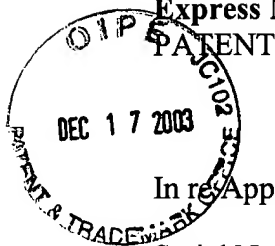


Express Mail Label EV306256444US

ATTORNEY DOCKET NO. D0932-00178



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Jo and Duncan

Conf. No. 9526

Serial No.: 09/988,985

Group Art Unit: 1774

Filed: November 19, 2001

Examiner: Thompson, Camie S.

For: Plastic Rail System Reinforced with Fiberglass Thermoplastic Composites

RECEIVED
DEC 24 2003
TC 1700

CERTIFICATION UNDER 37 CFR § 1.10

EXPRESS MAIL LABEL NO: EV306256444US

I hereby certify that this correspondence and the documents referred to as attached therein are being deposited with the U.S. Postal Service in an envelope as "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 CFR § 1.10, Mailing Label Number as listed above, addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450

Date

December 17, 2003

By

Mary La Grange

MS: AF

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1540

Sir:

**TERMINAL DISCLAIMER TO OBVIATE
A DOUBLE PATENTING REJECTION (37 C.F.R. 1.321(C))**

1. IDENTITY OF PERSON(S) MAKING THIS DISCLAIMER

I, Peter J. Cronk, represent that I am:

☐ an inventor of this invention.

☐ an assignee of this invention.

☐ a representative authorized to sign on behalf of the Assignee identified below.

☐ A statement under 37 C.F.R. 3.73(b) is attached.

☒ The attorney of record for this invention.

12/19/2003 CNGUYEN 00000059 09988985

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2. IDENTITY OF ASSIGNEE AND TITLE OF DISCLAIMANT *(if applicable)*

The Assignee is: CertainTeed Corporation

Name of Assignee: _____

Address of Assignee: 750 East Swedesford Road, Valley Forge, PA 19482.

Title of disclaimant authorized to sign on behalf of Assignee: _____

3. EXTENT OF DISCLAIMANT'S INTEREST

The extent of the interest in this invention that the disclaimant owns is in:

☒ The whole of this invention

☐ A sectional interest in this invention, as follows:
(state the exact interest of the disclaimant)

4. RECORDAL OF ASSIGNMENT IN PTO *(if applicable)*

☒ The assignment was recorded on reel 012317, frame 0309.

☐ Authorization for recordal of the assignment is separately attached.

☐ A separate

☐ ASSIGNMENT (DOCUMENT) COVER SHEET or

☐ FORM PTO 1595 is also attached.

5. ESTABLISHING RIGHT OF ASSIGNEE TO TAKE ACTION *(if applicable)*.

☐ Attached is a STATEMENT UNDER 37 C.F.R. 3.73(b) establishing the right of the Assignee to take action in this case.

6. DISCLAIMER

The terminal part of the statutory term of any patent granted on the above-identified application or the above-identified patent that is subject to re-examination, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 of the patent or application forming the basis of the double patenting rejection.

☒ U.S. Patent No. 6,344,268 as presently shortened by any terminal disclaimer,

☐ Any patent granted on application number _____ is hereby disclaimed, except as provided below, and it is agreed that any patent so granted on the above-identified application shall be enforceable only for, and during, such period that the legal title to said patent shall be the same as the legal title to:

☒ United States Patent No. 6,344,268

☐ Any patent granted on application no. _____, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the patent or application forming the basis of the double patenting rejection,

☒ United States Patent No. 6,344,268 as presently shortened by any terminal disclaimer,

☐ Any patent granted on application number _____, in the event that it later: expires for failure to pay a maintenance, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued in any matter or is terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

7. FEE STATUS (37 C.F.R. 1.20(d))

☒ Other than a small entity -- fee \$110.00

☐ Small entity -- fee \$55.00.

PATENT

ATTORNEY DOCKET NO. D1349-00080

8. FEE PAYMENT

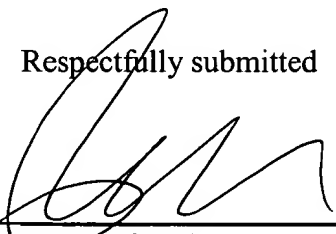
☒ Attached is a check in the amount of \$ 110.00

☒ Please charge any deficiency or credit any overpayment to Deposit Account No. 04-1679.

☐ Charge Deposit Account No. 04-1679 in the amount of \$ ____.

Date: 12.17.03

Respectfully submitted



Peter J. Cronk
Registration No. 32,021
Attorney for Applicants

DUANE MORRIS LLP
One Liberty Place
Philadelphia, PA 19103-7396
215-979-1252 tel
215-979-1020 fax